THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.897 of 2005

Dated: 20-07-2007

Between:

Mekala Thuggilappa.

..... PETITIONER

AND

The District Collector, Anantapur, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.897 of 2005

ORDER:

The petitioner is resident of Vaddepalem Village, Kundurpi Mandal, Anantapur District. He filed instant writ petition seeking a writ of Mandamus declaring the action of second respondent, namely, the Mandal Revenue Officer, in interfering with his peaceful possession and enjoyment of land admeasuring Acs.3.58 in survey No.164-1E and Acs.4.12 in survey No.164-1F (hereafter called, subject land) as illegal and arbitrary and for a consequential direction.

It is the case of the petitioner that patta was granted in respect of subject land in favour of his forefathers in 1928 and that his father and after death of his father, he are in possession. The petitioner also applied for pattadar passbook, which was granted to him. When he is cultivating subject land, it is alleged, at the behest of the local M.L.A, second respondent is causing inconvenience to him with a view to reassign subject land to the henchmen of the M.L.A. Therefore, he filed instant writ petition.

This Court, while admitting the writ petition on 28.01.2005, in W.P.M.P.No.1185 of 2005, granted interim direction to the respondents not to dispossess the petitioner. The respondents now moved this Court by filing W.V.M.P.No.584 of 2007 praying this Court to vacate the interim order. As the controversy is in a narrow compass, the writ petition itself is heard finally with the consent of the learned counsel for both the parties.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue.

In the counter-affidavit filed by second respondent, the factum of grant of patta in respect of subject land is admitted. However, the allegation of the petitioner that steps were taken to dispossess him in breach of law is denied. It is also stated that no orders are passed against the petitioner for eviction.

In view of the averments made by second respondent in the counter-affidavit, it stands proved that the writ petition is filed by the petitioner making all false allegations on mere apprehension. Therefore, the writ petition is liable to the dismissed with costs.

The writ petition is accordingly dismissed with costs of Rs.1,000/- (Rupees one thousand only).

(**V.V.S.RAO, J**)

20th July, 2007
ghn